

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VICTORY ILSUNG,

Plaintiff,

v.

MICHAEL YEH,

Defendant.

No. 2:20-cv-01032 JAM DB P

ORDER

Defendant has requested permission to conduct a deposition of the plaintiff by remote means pursuant to Rule 30(b)(4) of the Federal Rules of Civil Procedure. (ECF No. 23.) Court records indicate that plaintiff may not received the court's discovery and scheduling order issued on July 21, 2021. (ECF No. 21.) The order was served to plaintiff's California State Prison, Solano ("SOL") address but was returned undeliverable. However, defendants indicate that they believe plaintiff is still located at SOL. (ECF No. 23 at 1.) Given the above, it also appears likely that plaintiff has also not received defendant's request to depose plaintiff by remote means.

Good cause may exist to grant defendant's request to depose the plaintiff remotely. However, before considering this request the court will first order counsel for the defendant to contact the litigation coordinator or other appropriate official at SOL, determine whether plaintiff is still located at SOL, and inform the court of their findings. If plaintiff is present at SOL, the discovery and scheduling order (ECF No. 21) and defendant's request to depose the plaintiff

(ECF No. 23) should be re-served on the plaintiff in order to ensure he has proper notice of these documents.

Accordingly, IT IS HEREBY ORDERED that:

1. Counsel for defendants is instructed to:

a. Contact the Litigation Coordinator or other appropriate official at California State Prison, Solano to determine whether plaintiff is still located at California State Prison, Solano; and

b. Within twenty days after the filing date of this order, file and serve a statement reflecting the findings of such an inquiry, including all appropriate declarations.

2. The Clerk of the Court is directed to serve a copy of this order on Martha P.

Ehlenbach, Deputy Attorney General

Dated: September 3, 2021


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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